

## JEW PROTEST AGAINST RUSSIA

## ASK CONGRESS TO NULLIFY ALL TREATY RELATIONS.

Hebrew Council Declares That the Czar's Government Ignores American Passports—Louis Marshall Says That Civic Honor Is More Than Money.

The 400 delegates to the council of the Union of American Hebrew Congregations, which brought its proceedings to a close yesterday, unanimously passed a demand upon the President, Congress and the State Department of the United States that all treaty relations with Russia be abrogated until such time as the Russian Government should respect passports issued by our Government, irrespective of the race or creed of the holders.

This action followed a lengthy arraignment by Louis Marshall, one of the prominent delegates, of Russia's disrespectful attitude toward Jewish holders of American passports and of the constant embarrassment alleged to be imposed upon all Jewish travellers of American citizenship who attempt to enter the territories of the Czar. After the reading of the paper the committee on legislation, consisting of Martin A. Marks of Cleveland, Adolph S. Ochs of New York, Harry Cutler of Providence and Leon G. Pape of Memphis, formulated resolutions which said:

"That it is the sense of this council, speaking not as representatives of Jews, but as a body of citizens having at heart the preservation of the honor of the nation, joining in general emulation with all other citizens to elevate its moral and political standards and to stimulate an abiding consciousness of its ideal mission among the peoples of the earth, that the Department of State and Congress be respectfully and earnestly urged to take immediate measures in conformity with the express terms of the treaties existing between the United States and Russia, and in accordance with the law of nations to terminate such treaties, to the end that if treaty relations are to exist between the two nations it shall be upon such conditions as will guarantee to all citizens the equality of rights and shall be consonant with the dignity of the American people.

Mr. Marshall, in opening his address upon "Russia and the American Passport," dwelt upon the fact that in every country but Russia the honor of American citizenship was duly recognized. It mattered not whether the one who presented a passport, signed by the great seal of the United States, was able to trace his ancestry to the Dutch settlers of New Amsterdam or whether he himself had once been a Russian subject, the speaker said, the shield of American citizenship was as valid for one as the other.

He continued:

The Russian Government's discrimination against our citizens has been persistently and constantly avowed and acted upon. Men of every class have suffered the same indignities and contumely. No man within the hearing of my mind who professes to be a Jew, however eloquent in true Americanism his life has been, can venture within the walls which Russia has erected against the outside world, even though he holds a passport from our Government, without having his credentials figuratively torn into shreds and cast defiantly into his face.

As a Jew he might look down upon his persecutors with pity and contempt and suffer in silence, as his ancestors have for centuries. But he is now more than a Jew, he is also an American citizen, and the hand that smites him inflicts a stain on his citizenship. It is not the Jew who is insulted, it is the American people. And the finding of a proper remedy against this degradation is not a Jewish but an American question. The discussion of it has no proper part in the proceedings of this convention except for the purpose of calling to the attention of the American people the facts which cannot have been sufficiently impressed upon their minds, else they would have long since clamored for redress.

What has been apparently overlooked, or at least has not been fully appreciated, is the prime consideration that ever since 1832 Russia has been under treaty obligation to accord to all of our citizens, without distinction, the liberty to sojourn and reside in all parts of the Russian Empire, and to guarantee to them security and protection.

After citing instances illustrative of this Government's faithful adherence to the spirit of its treaties governing citizenship with Russia, the speaker cited excerpts from President Taft's speeches which gave promise of an attempt to alleviate the discrimination distasteful to American Jews. He went on:

During the last two years there has been an abundance of well directed effort to induce Russia by the ordinary diplomatic channels to recognize the obligations of its contract. Congress has passed resolutions indicative of the same desire and of a like recognition of the broad scope of the question at issue. Apparently we are to-day as far from a solution of this problem, which goes home to every American citizen, as we were thirty years ago.

The purely selfish methods of diplomacy have failed. We have nation of 100,000,000 Americans, stand at the door of Russia in hand pleading with it that it shall recognize and perform its duty. With sardonic smiles Russia answers, "Not yet." A nation is an anathema to the world, large, in the patience of a creditor who for thirty years waits upon his debtor and pleads with him at his home for the payment of his debt. The average man would be tempted under such circumstances to long for the lapse of thirty years to take such proceedings as would reverse the process and lead his debtor not only to ask for leniency but to make ample amends.

It may also be said that Russia is about to engage in large undertakings which will enlist American capital, the development of mines, the construction of storehouses for grain, the building of railroads, and that we are imperiling such enterprises by denouncing our relations with Russia. But what of that? Is it not better that we may know in advance what the attitude of Russia is to toward American citizens before they invest their capital for the development of the resources of Russia than to discover complaints after the capital has been invested and promises have been broken? And after all there are still opportunities in the United States for the profitable employment of adequate capital for the promotion of our own industries, and Central and South America still offer promising fields for the investor.

There are others who will praise of the historic friendship of Russia for America, and the tale will be retold of what Russia did for us during the Revolutionary war and during the civil war. That tale has been thoroughly analyzed and the real facts have been demonstrated. But assuming that in the past we may have profited from Russia's attitude, who is so credulous as to believe that the land of the Czar, the country of absolutism, has been so enamored of freedom, of constitutional government, of democracy or of republicanism as to have acted either from love of us or of our institutions? Whenever Russia has acted it has been simply and solely from political expediency.

But let us assume that Russia has from any motive whatsoever extended to us offers of friendship. Have we not fully requited all of its kindnesses? Was it not through the intervention of President Roosevelt that Russia was extricated from one of the bloodiest and most disastrous wars known to history? The account between the two countries has been fully

## THE STATE BAR ASSOCIATION

## THIRTY-FOURTH ANNUAL MEETING OPENS IN UTICA.

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SYRACUSE, Jan. 19.—Nearly three hundred lawyers from all parts of the State are in this city attending the thirty-fourth annual meeting of the New York State Bar Association, which convened to-day at the Court House. Senator Elihu Root, president of the association, presided.

The convention opened at 10 o'clock this morning and a good share of the early day was taken up with the reports of committees. The subject of which figures prominently in the meeting is a reform in the system of civil proceedings to make it more simple and direct and to decrease the delays of the law.

Open criticism of the Supreme Court Justices of the State was made by Adelbert Moot of Buffalo at the afternoon session. He produced tables of figures showing the days upon which the Justices held court, and said that the only judicial district from which there had been no complaint was this, the Fifth district. Mr. Moot was formerly president of the association.

The trouble with the New York Justices, said Mr. Moot, is that they work too short hours, too few days and are altogether too incompetent when they do work.

He regarded it as a failure of duty when Judges work from 11 in the morning until 4 in the afternoon. In the list Judge William S. Andrews of this city stands second, with 274 days in court to his credit. Justice George A. Benton of the Seventh district stands first.

The feature of the afternoon session was President Root's speech. It was heard by about five hundred people. He said in part:

"The bench, the bar and the public agree that there is undue delay in our judicial proceedings. A considerable number of certain and important cases, including several of this association and the local bar associations of this State, have addressed themselves to the work of devising amendments of the law which should make our procedure more swift and certain in reaching the ends of justice."

The original Field Code of Procedure of 1848 contained 391 sections and was compressed in 1893 of the small, loosely printed pages of the session laws of that time. The last edition of our present code at which I have looked contains 335 sections, a large proportion of them dealing with the most minute details. It is doubtless true that some provisions of substantive law have found their way into this enormous mass of statutory matter and that some special branches of procedure are covered by the present code which were not included in the original code. Nevertheless the comparison between the two statutes reveals plainly the fact that for many years we have been pursuing the policy of attempting to cover by statute every conceivable contingency and unanticipated result requiring continual amendment and supplement. Whatever we do to our code so long as the present theory of legislation is followed the code will continue to grow and the vast mass of specific and technical provisions will continue to increase. I submit to the judgment of the profession that the method is wrong; the theory is wrong, and that the true remedy is to sweep from our statute books the whole mass of statutory provisions and substitute a simple practice act containing only the necessary fundamental rules of procedure, leaving all the rest to the rules of court. When that has been done the Legislature should leave our procedure to the courts.

The condition in which we find ourselves is that in varying degrees in different parts of the State calendars are clogged, courts are overworked, the attainment of justice is delayed until it often amounts to a denial of justice, the honest man who seeks to evade his obligations is encouraged to litigate for the purpose of postponing them.

Part of what Attorney General Wickersham said follows:

Every candid observer must admit that a higher standard of morality prevails to-day in both public and private life than ever before in our history, and a more rigid application of this standard by the people to the conduct of all concerned with our government, national, State and municipal.

Abuse of the power of public office, which in the past has resulted in a popular distrust of them and of those in authority in them, particularly of those wielding their centralized power to such an extent as to earn the characterization of "bosses."

This distrust has produced a demand for a more direct participation by all the people not only in party management but in legislation, and a more immediate control over the administrative acts of executive officers, and even of the conduct of Judges.

Admirable as is the awakened public sentiment which impels this movement toward a closer popular scrutiny of the details of government, it is accompanied with certain tendencies which awaken some apprehensions in the minds of the people. One is the tendency toward a more highly applied sentiment and more sincerely rejoice in the awakened vigilance of the people.

One noticeable tendency is a distrust of the legislative branch of the government, which has led to a feeling of hostility toward the power and authority in the executive and a decided complacency in the face of new and unprecedented assumptions of power by the executive. This tendency is not at the present moment so strong as it has been during the last few years.

Another is an impatience of the independent position of the judiciary, an unwillingness to longer concede the need of an absolutely untrammelled body of Judges freed from popular control, expected to decide controversial subjects without judgment without regard to popular opinion or prejudice.

And still another is a disposition to distrust the delegation of any power of selection of officers of the government and the substitution of popular election by officers themselves but of the candidates from among whom such officials must be selected.

It is apparent that the framers of the Federal Constitution devised a scheme of representative republican government, framed in the light of the experience of the ages, with the powers of government carefully distributed between three equal and coordinate branches, limited and defined in no narrowly spirit, and with a restraining hand, each one designed to check upon the other, and each one confined to its separate sphere, contributing to that harmonious result about which so fondly and so confidently the framers were familiar with the lessons of the past. They knew how impracticable it was to expect all the people to wisely and temperately legislate still less administer the government, and they carefully devised a practicable scheme of representative government with direct responsibility for the honest and intelligent discharge of their duties by the representatives of the people. This method of securing the enactment of wise laws and the administration of justice by the representatives of the people preferred to that of the selection to the whole body of the people of laws proposed by unofficial persons. They were familiar with the disastrous results

which in the past had attended the latter method. They recalled, no doubt, the experience of the Locrisians which led to their enacting a law which provided that a new law to appear in the assembly of the people with a cord around his neck, and if the reasons stated by him for his proposed enactment were found unsatisfactory that he be instantly strangled.

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Trustees Are Morgan J. O'Brien, George W. Perkins and Lewis C. Ledyard. Agreement May Be Cancelled Whenever Mutualization Plan Is Finished.

ALBANY, Jan. 19.—The State Insurance Department to-day gave out a copy of the Equitable life voting trust agreement executed between J. P. Morgan as the controlling owner of the stock and Morgan J. O'Brien, George W. Perkins and Lewis C. Ledyard, the trustees, together with the correspondence on the subject passing between Mr. Morgan and the department.

The agreement is dated December 31, 1910, and runs for five years. It is identical with that executed by Thomas F. Ryan in June, 1905, save that it apparently being intended to operate only until a feasible plan for mutualization or its equivalent is worked out—the clauses in the Ryan agreement giving the trustees power to renew the trust every five years and themselves to put into effect a mutualization of the company have been omitted. Instead the agreement may be cancelled at any time by Mr. Morgan, this seeming to permit the immediate carrying into effect of a permanent plan along the lines of his announcement when he acquired the stock in December, 1909.

The correspondence is as follows:

NEW YORK, January 17, 1911.  
Hon. William H. Hotchkiss, Superintendent of Insurance.

DEAR SIR: I herewith send you the voting trust agreement of the Equitable Life Assurance Society, which I have executed. You will note that it places us all in such a position that when some determination can be reached in the interests of the policyholders and which is satisfactory to your department it can be carried into effect without unnecessary delay.

I trust that you and the trustees will continue to pursue the subject until a plan is worked out that will be satisfactory to all concerned, and to that end I would be glad to continue the carrying out of interest and cooperation. Very truly yours,  
J. PIERPONT MORGAN.

STATE OF NEW YORK,  
INSURANCE DEPARTMENT,  
ALBANY, JANUARY 18, 1911.  
Mr. J. Pierpont Morgan, Wall and Broadway Streets, New York.

MY DEAR SIR: This acknowledges yours of the 17th inst. The voting trust agreement contained therein evidences the understanding arrived at some months ago, which was in substance as follows:

The pending uncertainty of a legal means whereby the Equitable Life Assurance Society could without protracted litigation or a substantial reduction of its free surplus be made a mutual company, in fact as well as by representation, and former voting trust, which expired by limitation last June, would be renewed, but with trustees of your choosing, and so modified that it could be cancelled whenever mutualization or some equivalent result had been attained.

I therefore accept the formal execution of such agreement as a preliminary and for a time a satisfactory solution of this perplexing problem having yet been found—seemingly necessary step toward fixing the control of this insurance corporation where it belongs, namely, in its policyholders.

Understanding therefore that it is your purpose as soon as possible to formulate or accept a plan whereby the dangers which in years past have lurked in the private ownership of this vast public trusteeship will be permanently avoided, I will continue to cooperate with you to that end.

A copy of the original agreement has been taken and filed and such original is returned to you herewith. Yours very truly,  
WILLIAM H. HOTCHKISS,  
Superintendent.

FIGHT AGAINST CALLAN LAW.

Amendments Backed by the Chauffeurs Federation Sent to the Legislature.

UTICA, Jan. 19.—The first steps in the warfare upon the provisions of the Callan automobile law, a measure which has incurred much criticism, especially from the chauffeurs of the State, were taken this afternoon when a bill was sent to the Legislature from this city amending the law. The bill has the backing of the Chauffeurs Federation of America, whose offices are in Utica.

By the provisions of the bill section 281 of the law is amended to provide that the term "chauffeur" shall mean any person operating or driving a motor vehicle on any highway, county road, State road, public street, alley, park, parkway or public place in any county, city, borough or village of the State of New York.

Section 282 is amended to read that no person shall operate or drive a motor vehicle who is under 18 years of age. This is believed to be one of the strongest points of the bill, the present law permitting persons under 18 to drive a car when accompanied by a duly licensed chauffeur or the owner of the car.

Section 288 is amended to provide for the appointment by the Secretary of State of a person with not less than ten years experience as a driver of automobiles to be the superintendent of a bureau for licensing chauffeurs, whose duty it shall be to prescribe methods and forms for examining applicants for chauffeurs or drivers' licenses, to appoint convenient times and places throughout the State for such examinations, to appoint such assistants as may be necessary to conduct such examinations, such assistants to be selected from persons of not less

than five years practical experience in driving automobiles, and to be directly responsible to such superintendent for all such examinations. It is also provided in the same section to strike out the fee of \$5 and insert a charge of \$1 for a badge. By section 287 it is proposed to make the owner or lessee of a car responsible for the speed of the car when aboard it.

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CALL FOR DEMOCRATIC LEAGUE.

Regular Meeting of the General Committee Fixed for January 26.

ALBANY, Jan. 19.—Thomas M. Osborne as chairman and Francis A. Willard as secretary of the Democratic League to-day issued a call for a meeting at the Hotel Ten Eyck at 2 P. M. Thursday, January 26, of the general committee of the league, which is composed of one member from each of the 150 Assembly districts of the State.

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Forty-sixth and Forty-seventh Streets

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A limited number of Tailored and Semi-tailored Suits of finest imported broadcloth, velvet and corduroy; plain, braided and fur-trimmed effects. Late models by such celebrated Parisian designers as Recoll, Paquin, Bernard, Beer, Francis and Martial-Armend, and our own adaptations of exclusive foreign designs. Regularly \$85 to \$310. NOW \$40 to \$150

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Broadtail Russian Pony Coats—Plain and trimmed effects. Values, \$125 to \$300. NOW \$65 to \$150

Baltic and Hudson Seal Coats—Values, \$200 to \$850. NOW \$95 to \$400

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Persian Lamb Coats—Plain. Values, \$475 to \$775. NOW \$325 to \$450

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MANY AT About Half Former Prices

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